

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK  
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UNITED STATES OF AMERICA,

v.

3:05-CR-073

PETER JOHN DE MOTT,  
CLARE THERESE GRADY  
DANIEL JOSEPH BURNS,  
TERESA BERRIGAN GRADY,

Defendants.  
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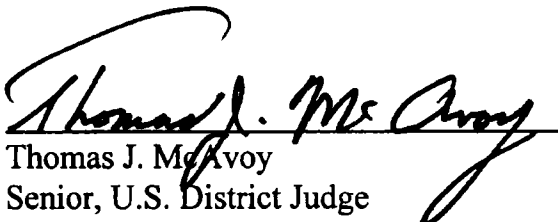
THOMAS J. McAVOY  
Senior United States District Judge

**DECISION and ORDER**

Defendants have requested to present a written questionnaire to the proposed jurors to assist in voir dire. Defendants submitted the written questionnaire to the Court for review. Upon due consideration, the Court DENIES Defendants' request to submit written questions to the jury. Some of those same questions may be presented orally during the jury selection process. The Court has marked up a copy of the questionnaire provided to the Court and indicated which questions would not be permitted to be presented to the proposed jurors. A copy of the marked-up questionnaire is attached hereto.

IT IS SO ORDERED.

Dated: September 13, 2005

  
Thomas J. McAvoy  
Senior, U.S. District Judge

**United States District Court  
For the District of New York**

3:05CR73

To Prospective Jurors:

You are a potential juror in the case of **UNITED STATES V. PETER DE MOTT, CLARE GRADY, DANIEL BURNS AND TERESA GRADY**. Instead of being asked to answer these questions in open court in front of other jurors, you are given more privacy by answering this confidential questionnaire. Please answer all of the questions as completely and honestly as you can.

Your complete written answers will save time for the judge, for the lawyers and for you in the jury selection process. The information on this questionnaire will not be used for any purpose other than the selection of a jury in this case. The information contained in this questionnaire will become part of the permanent record of this case. It will not be distributed to anyone other than the judge and the attorneys.

Remember that you are under oath. Please answer **all** of the questions as **completely** and **honestly** as you can. As you answer the questions, please keep in mind that there are no "right" or "wrong" answers. Just read each question carefully and give an honest answer.

You must not discuss your answers with any of the other jurors. If you need help completing the questionnaire, ask the court clerk for assistance.

If you want to make any additional comments, please write them on the bottom of the page or on the extra page provided at the end of this questionnaire.

Remember to print your name at the top of each page. If you need help, ask one of the clerks for assistance. Thank you for your cooperation.

SUBMITTED BY DEFTS.

**JUROR QUESTIONNAIRE**

Juror # \_\_\_\_\_

1. Name: \_\_\_\_\_
2. Are you ☐ Male or ☐ Female? Age: \_\_\_\_\_
3. What is your race and ethnic background? \_\_\_\_\_
4. Do you know anyone else on this jury panel? ☐ Yes No ☐
5. Do you live in a ☐ city ☐ small town ☐ rural area
6. What is the city or town you live in or closest to? \_\_\_\_\_  
How long have you lived at your current address? \_\_\_\_\_  
Where did you grow up? \_\_\_\_\_  
Where else have you lived? \_\_\_\_\_
7. What is your current job status?  

<input type="checkbox"/> Employed full-time for _____ years	<input type="checkbox"/> Retired for _____ years
<input type="checkbox"/> Employed part-time for _____ years	<input type="checkbox"/> Disabled for _____ years
<input type="checkbox"/> Not currently employed	<input type="checkbox"/> A homemaker for _____ years
<input type="checkbox"/> Unemployed for _____ years	

IF YOU HAVE **EVER** BEEN EMPLOYED, ANSWER QUESTION 9 FOR YOUR CURRENT JOB OR THE LAST JOB YOU HELD.

8. What is (was) your occupation? \_\_\_\_\_  
How long have you been (were you) employed at this job? \_\_\_\_\_  
Please describe what you do on your job?. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- Who is (was) your employer? \_\_\_\_\_

9. Whether or not you are currently employed, please complete the following information for previous jobs and employers:

Years	Job Title or Kind of Work	Employer	Reason for leaving
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10. Have you **ever had** supervisory or management responsibilities at any job? ☐ Yes No ☐

IF YES, please state when you had these responsibilities and describe them, including the number of people supervise(d) and the work they were doing:


11. What is the last level of education you completed?

- |   |   |
|---|---|
| <input type="checkbox"/> Less than high school        | <input type="checkbox"/> Community or 2 year college graduate |
| <input type="checkbox"/> High school graduate         | <input type="checkbox"/> Four year college graduate           |
| <input type="checkbox"/> Technical or business school | <input type="checkbox"/> Post graduate work                   |
| <input type="checkbox"/> Some college                 |   |

12. If more than high school, please list any vocational or technical schools or colleges you have attended, dates of attendance, major areas of study, and any degrees or certificates, if any, that you have received.


13. *W* What were your parents' occupations:

Father: \_\_\_\_\_

Mother: \_\_\_\_\_

14. Are you: (Check all that apply)

- ☐ Single, never married  
☐ Single, living with someone for \_\_\_\_\_ years  
☐ Married for \_\_\_\_\_ years  
☐ Divorced/separated for \_\_\_\_\_ years  
☐ Widowed, for \_\_\_\_\_ years  
☐ Other:

15. If you are presently married or living with a partner, or were married within the last five years, what is the last level of schooling your spouse or partner completed?

- ☐ Less than high school      ☐ Some college  
☐ High school graduate      ☐ Community or 2 year college graduate  
☐ Technical/business school      ☐ Four year college graduate  
☐ Post graduate work

16. Describe your spouse's or partner's present or last occupation including employer and length of time on the job:

17. *no* Religious preference: \_\_\_\_\_

18. *no* Name and location of church, temple, mosque or other religious organization: \_\_\_\_\_

19. *no* Past or present church offices held, if any: \_\_\_\_\_

20. *no* Are you (check one) active \_\_\_\_\_, moderately active \_\_\_\_\_, or inactive \_\_\_\_\_, in your church, temple, mosque or other religious organization?

21. *yes* Is there anything about your religious beliefs that would affect your ability to serve as a fair and impartial juror? ☐ Yes ☒ No

IF YES, please explain. \_\_\_\_\_

22. *no* Do you volunteer or contribute financially to any charitable organization? (If so, please describe.) \_\_\_\_\_

23. *yes* Do you have any children or stepchildren? ☐ Yes ☒ No

Age      Gender      Occupation or School

Town of Residence


24. Have you ever been a: victim of a crime ☐ Yes ☐ No ☐
- Yes* witness to a crime ☐ Yes ☐ No ☐
- witness in court ☐ Yes ☐ No ☐
- charged with a crime ☐ Yes ☐ No ☐
- convicted of a crime ☐ Yes ☐ No ☐

**IF YES, please explain whether this was yourself, a relative or friend, and what happened for each occurrence:**

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25. Have you or any close friends or relatives ever been employed by or otherwise affiliated with **any law enforcement agency** or organization as an employee or volunteer? (This could include, for example, police, sheriff, state trooper, prison guard, customs agent, INS, FBI, IRS agent, probation department, U.S. Attorney's office.) ☐ Yes ☐ No ☐

**IF YES, please list:**

NAME	RELATIONSHIP	POSITION	AGENCY YEARS
(friend, son, etc.)			

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26. Have you, your spouse, former spouse, or significant other, had any-legal training? ☐ Yes ☐ No ☐

**IF YES, please explain.** \_\_\_\_\_

- yes* 27. Have you or anyone close to you ever been employed in a law office? ☐ Yes ☐ No ☐

**IF YES, is this:** ☐ yourself ☐ spouse ☐ child ☐ family member ☐ friend

**Please list the person's relationship to you, job duties, the law firm and when this was:**

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28. Have you ever served as a juror or grand juror? ☐ Yes No ☐

IF YES, please list the year(s) in which you served and the case type.

Year	Type of Case	Was There a Verdict?
<i>ye</i>		

29. Were you ever the foreperson? ☐ Yes No ☐

30. Was there anything in your prior jury experience that either upset or agitated you to the extent that jury service was an unsatisfactory experience? ☐ Yes No ☐

IF YES, please explain: \_\_\_\_\_

31. *no* Would you describe yourself more as a follower or a leader? ☐ Follower ☐ Leader

a. what type of situation are you more likely to be a leader? \_\_\_\_\_

b. what type of situation are your more likely to be a follower? \_\_\_\_\_

32. Are you a member of any clubs or organizations such as: veterans groups, service clubs, professional organizations, volunteer groups, educational, ~~religious or political~~ groups.

☐ Yes No ☐

IF YES, please list the name(s) of the organization(s) and describe your involvement.

33. *yes* Is anyone you know a member of a veteran's organization? ☐ Yes No ☐

IF YES, is this: ☐ yourself ☐ spouse ☐ child ☐ family member ☐ friend

34. *no* Do you think people who did sit-ins at lunch counters in the South should have been found guilty of a crime? ☐ Yes No ☐ No opinion ☐

35. When slavery was legal, local churches were part of the underground railroad, which helped fugitive slaves escape to Canada. Were they guilty of a crime?

*No* ☐ Yes ☐ No ☐ No opinion ☐

Please explain:

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36. *No* Were you aware that local juries refused to convict people accused of aiding escaping slaves?  
☐ Yes ☐ No ☐

37. *No* Do you think that the American colonists had the right to dump British tea into the Boston Harbor?  
☐ Yes ☐ No ☐ No opinion ☐

38. *No* Are you aware that it was once illegal for women to vote in this country, and that due to nonviolent acts of resistance by women, those laws were repealed and women gained the right to vote?  
☐ Yes ☐ No ☐

39. *No* Many local communities have faced and/or are facing a budget crisis? Is that true of your community?  
☐ Yes ☐ No ☐ Don't know ☐

IF YES, what do you think is the cause of this?

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- In the heart*  
40. *No* ~~For over a hundred years,~~ anti-war protests have been occurring at military recruiting stations? Are you aware of this? ☐ Yes ☐ No ☐

IF YES, please describe your feelings about those protests:

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What is your opinion about those protests: *no duplicate 40*

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41a. Are you or any relatives or friends currently in the military or reserves? ☐ Yes ☒ No *OK*

IF YES, is this: ☐ yourself ☐ spouse ☐ child ☐ family member ☐ friend

What branch? \_\_\_\_\_

For how long? \_\_\_\_\_

Where are you/he/she stationed? *no* \_\_\_\_\_

What was the job you/he/she had? *no* \_\_\_\_\_

Were you/he/she in military police: *yes* \_\_\_\_\_

Were you/he/she drafted or did you/he/she enlist? *no* \_\_\_\_\_

Ever serve on a summary, general, or special court martial? ☐ Yes ☒ No *yes*

What was the nature or type of charges? \_\_\_\_\_

41b. Have you or anyone in your immediate family served in the military in the past?

☐ Yes ☒ No *com*

IF YES, is this: ☐ yourself ☐ spouse ☐ child ☐ family member ☐ friend

What branch? \_\_\_\_\_

In what years? \_\_\_\_\_

Where were you/he/she stationed? *no* \_\_\_\_\_

What was the job you/he/she had? *no* \_\_\_\_\_

Were you/he/she in military police: *yes* \_\_\_\_\_

Were you/he/she drafted or did you/he/she enlist? *no* \_\_\_\_\_

Ever serve on a summary, general, or special court martial? ☐ Yes ☒ No *yes*

What was the nature or type of charges? \_\_\_\_\_

42a. *yes* Has anyone in your family ever been injured or killed in military service? ☐ Yes ☒ No

- 42b. *no* Has anyone in your family or anyone you know been contaminated with depleted uranium, suffered from Gulf War Syndrome, been exposed to Agent Orange, or suffer from post traumatic stress syndrome as a result of their service in the military? ☐ Yes ☒ No

IF YES, What relationship do you have with that person?

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43. *yes* Have you ever had any regular contact in your business or personal affairs with the U.S. Military? ☐ Yes ☒ No

IF YES, please explain.

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44. *yes* Have you or anyone close to you been employed by a business involved in manufacturing weapons, armored vehicles or other war or military related equipment? ☐ Yes ☒ No

IF YES, is this: ☐ yourself ☐ spouse ☐ child ☐ family member ☐ friend

Please explain and describe the business:

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45. *yes* Would you tend to believe the word of a police officer over a civilian witness if there was a dispute in their testimony? ☐ Yes ☒ No

46. Would you tend to believe or rely on the testimony of someone in the military over the testimony of a civilian witness if there was a dispute in their testimony? ☐ Yes ☒ No

Please explain:

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47. What is your general feeling about the honesty and integrity of the following people. Please circle the number that matches your feeling.

*OK in different forms*

	Very honest	Somewhat honest	Not very honest	Very dishonest	No opinion
Judges	4	3	2	1	0
Prosecutors	4	3	2	1	0
Military officers	4	3	2	1	0
Defendants	4	3	2	1	0
Law enforcement officers	4	3	2	1	0

48. What kind of vehicle do you drive? *no*

49. What kind of vehicle does your spouse drive? *no*

50. How often do you watch television?

- ☐ Every day  
☐ 3-4 times a week *no*  
☐ Once a week  
☐ Less than once a week  
☐ Never

51. List your three favorite television shows:

1. \_\_\_\_\_
2. *no*
3. \_\_\_\_\_

52. List the most recent DVDs or videos you rented:

1. \_\_\_\_\_
2. *no*
3. \_\_\_\_\_

53. List any bumper stickers or decals that are affixed to your automobile:

1. OH - you
2. \_\_\_\_\_
3. \_\_\_\_\_

54. Do you enjoy reading? ☐ Yes No ☒ no

IF YES, what authors and types of books do you tend to read? no

What was the last book you read? no

What was it about? no

55. Are you currently reading a book? ☐ Yes No ☒ no

IF YES, what are you reading? no

56. What newspapers or magazines do you subscribe to? no

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

57. What sections of the newspapers do you read first? no

What sections do you read most often? \_\_\_\_\_

58. If you use the internet, what sites do you visit most frequently? no

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

59. Are you:

- ☐ Democrat  
☐ Republican  
☐ Independent  
☐ Other, please specify: \_\_\_\_\_

60. When was the last time you voted in an election? \_\_\_\_\_

61. Have you or your spouse ever worked on a political campaign either for the election of a candidate or for an interest group interested in matters affecting social justice? ☐ Yes No ☐

IF YES, please describe.

\_\_\_\_\_

\_\_\_\_\_

62. Have you ever held or sought political office?

Held political office ☐ Yes No ☐

Sought political office ☐ Yes No ☐

What political office: \_\_\_\_\_

When held or sought: \_\_\_\_\_

63. If you had to decide this case right now, to find us innocent or guilty at this very moment, what would your verdict be? \_\_\_\_\_

64. Do you think that, based on the fact that the defendants admit pouring their own blood at the recruiting center, that they are guilty? ☐ Yes No ☐

65. On a scale of 1 to 10, with 1 being the least upset and 10 being the most upset, how would you rate your response to the news that we are;

Sending troops to another country? 1 2 3 4 5 6 7 8 9 10

Bombing another country? 1 2 3 4 5 6 7 8 9 10

Causing death and injury to civilians in other countries? 1 2 3 4 5 6 7 8 9 10

Unable to provide enough National Guard Troops for Hurricane Katrina because they are in Iraq? 1 2 3 4 5 6 7 8 9 10

66. *no* What does the term "conspiracy" mean to you?

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67. *no* Do you think it is possible for people to get together to accomplish positive things? ☐ Yes No ☐

68. *no* Do you believe our government always strives to act for the best interests of the people? ☐ Yes No ☐

69. *no* What are the things about this country that you are most proud of?

1. \_\_\_\_\_

2. \_\_\_\_\_

3. \_\_\_\_\_

70. *no* Is holding government leaders accountable important? ☐ Yes No ☐

71. *no* Do you know anyone who was a victim in the attack on 9/11/2001? ☐ Yes No ☐

72. *no* Do you think that democracy is strengthened or weakened when:

a. Citizens seek to change policies which they learn are harming others. ☐ strengthened  
☐ weakened

b. We have a strong military? ☐ strengthened  
☐ weakened

73. *no* Do you feel it is wrong to speak out against, or take action to protest, US military operations?  
☐ Yes No ☐

Please explain:

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74. *no* Have you ever heard the term "civil disobedience"? ☐ Yes No ☐

IF YES, what does that term mean to you?

*no*

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75. How do you feel about people who use civil disobedience as a way of changing national policies?

*no*

76. Have you ever been negatively affected by a demonstration, strike or political protest of any kind? ☐ Yes ☐ No

*yes*

IF YES, please describe:

77. *yes* Have you or someone close to you ever had a strike or protest directed against you, your employer, or an organization you belong to? ☐ Yes ☐ No

IF YES, is this: ☐ yourself ☐ spouse ☐ child ☐ family member ☐ friend

Please explain:

78. *yes* Do you think there should be stricter legal controls placed on political protests and protesters? ☐ Yes ☐ No

IF YES, please describe

79. *yes* Some people feel that the role of the military is so important that it is wrong to protest their activities. Do you agree or disagree that it is wrong to protest against the military? ☐ Agree ☐ Disagree

IF YOU AGREE, please explain

80. *yes* Do you believe that protests against the U.S. military have an adverse affect on those who are currently serving in the military? ☐ Yes ☐ No

Please explain:

81. Do you believe that anyone who participates in nonviolent action at a military site should be punished, no matter what their intent? ☐ Yes ☒ No ☐

Please explain: *no*

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82. *yes* Have you ever heard about anti-war protests occurring at military recruiting stations? ☐ Yes ☒ No ☐

IF YES, please describe your feelings about those protests

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83. *yes* What is your opinion about those protests?
- 
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84. *no* Are the people of the United States safer because troops are in Iraq? ☐ Yes ☒ No ☐

Please explain:

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85. *no* Do you believe that putting any limitations on US military operations creates a threat to the security of the United States? ☐ Yes ☒ No ☐

Please explain:

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86. *no* Do you believe that United States military programs should not be subject to any control or limits imposed by international law? ☐ Yes ☒ No ☐

Please explain:

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87. *no* Have you have seen or heard of a demonstration or act of protest that you believe "went too far"? ☐ Yes ☒ No ☐

Please explain:

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88. *no* Do you believe that going onto military sites to protest is never justified? ☐ Yes No ☐

Please explain:

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89. *yes* Would you be able to consider, with an open mind, whether there was a legal justification for entering government property? ☐ Yes No ☐

90a. Have you or has anyone close to you ever been self-employed or owned a business?

*yes* ☐ Yes No ☐

IF YES, is this: ☐ yourself ☐ spouse ☐ child ☐ family member ☐ friend

Please describe the business

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90b. *yes* Is the business still operating? ☐ Yes No ☐

IF NO, why not?

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90c. *yes* Is (was) it a positive experience? ☐ Yes No ☐

Why or Why not?

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91. *yes* In cases involving criminal accusations, the law states that a criminal defendant is presumed innocent unless the prosecutor proves beyond a reasonable doubt that the defendant is guilty of each and every element of the charges. Do you agree? ☐ Yes No ☐

92. *yes* In criminal cases, the defendants and their lawyers do not have to prove anything. The defense does not have to present any witnesses and the defendant does not have to testify. Do you think the law concerning the burden of proof should be changed to require the defendant to prove his/her innocence? ☐ Yes No ☐ No opinion ☐

~~Please explain:~~

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- Some of the charges may require*
93. The most serious charge in this case requires the prosecution to prove that the defendants had a specific purpose when they went to the recruiting center. Will you listen to and consider the specific purpose of the defendants? ☐ Yes ☒ No *that I want to hear* *evidence about such intent or*
94. Have you ever read or heard about the St. Patrick's Four, a group of parents that protested the invasion of Iraq by non-violent resistance at a military recruiting center in Ithaca, New York just before the war in Iraq? ☐ Yes ☒ No

IF YES, what have you read or heard?

\_\_\_\_\_

\_\_\_\_\_

95. Based on what you have read or heard about the St. Patrick's Four, what is your impression about their tactics?
- \_\_\_\_\_
- \_\_\_\_\_

96. Reading from the indictment, the defendants in this case, Peter De Mott, Clare Grady, Daniel Burns and Teresa Grady, who have been called the "St. Patrick's Four", are charged with conspiracy to impede an officer of the United States and damage to government property for entering a US Military Recruiting Station and protesting by laying on the floor, refusing to leave the premises, and later returning and spattering a substance believed to be blood inside the Recruiting Station. The defendants have pled not guilty to these charges. Based on what you know about this case, do you have any opinions or feelings that might make it difficult for you to be an impartial juror in this case? ☐ Yes ☒ No

Please explain:

\_\_\_\_\_

\_\_\_\_\_

- 97a. The defendants in this case are pro se, meaning they selected their constitutional right to represent themselves. ~~What do you think about that?~~
- \_\_\_\_\_
- \_\_\_\_\_

- 97b. Would this affect your ability to act as a fair and impartial juror? ☐ Yes ☒ No

- 97c. Are you able to give the defendants questioning of witnesses and their presentation as much respect and attention as the prosecutors? ☐ Yes ☒ No

98. Is there any reason you know of why you should not serve as a juror in this case? ☐ Yes ☒ No

IF YES, please explain

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99. *Yes* The trial of this case is expected to last 4 days. Would service on this case create any serious hardship for you? ☐ Yes ☒ No

IF YES, please explain

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100. *Yes* Do you have any physical illnesses, disabilities, personal or family responsibilities or other problems that would make it difficult for you to sit as a juror? ☐ Yes ☒ No

IF YES, please explain

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101. *Yes* Is there anything else that you think the court should know about you in deciding whether or not you should serve as a juror in this case? ☐ Yes ☒ No

IF YES, please explain

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102. *Yes* Do you know anyone who works in this federal courthouse? ☐ Yes ☒ No

103. *Yes* Do you or anyone you are close to **know or do business or have any other kind of social or personal connection** with any of the following people, law offices or businesses?

	No Connection	Have heard of	Know or have met	Know someone with a connection
Kevin Dooley				
Rachon Montgomery				
Stephen Marean				
Richard Preston				

Miroslav Lovric				
Tom Walsh				
Thomas J. McAvoy				

For each person or business which you or someone you know has a connection with, please explain below:

Name \_\_\_\_\_

Name \_\_\_\_\_

Name \_\_\_\_\_

Name \_\_\_\_\_

Name \_\_\_\_\_

104. *yes* Is there any subject that you would not want to discuss in front of the other jurors in open court, either concerning the issues in this case or based on questions in the questionnaire? ☐ Yes ☐ No

Subject or question #: \_\_\_\_\_

105. *no* List two men and two women who are publicly known, whom you most respect:

Men:

Women:

1. \_\_\_\_\_

1. \_\_\_\_\_

2. \_\_\_\_\_

2. \_\_\_\_\_

**I affirm, under penalty of perjury, that I have given complete and honest answers to all of the questions above to the best of my knowledge.**

JUROR SIGNATURE \_\_\_\_\_

JUROR NAME (Please print) \_\_\_\_\_